

REMARKS

This paper is submitted in response to the Office Action mailed on July 28, 2004. Claims 1 and 13 have been amended and claim 21 has been added. Claims 1-21 now remain in the application. In view of the foregoing amendment, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

Applicants note and appreciate Examiner's consideration of the after final response submitted on July 8, 2005 and the reopening of prosecution in the case.

Personal Interview

Applicants' counsel appreciates the courtesy extended by Examiner and the Primary Examiner during an in-person interview conducted on September 7, 2005. During that interview a sample of the invention was presented and discussed in view of the claimed invention and teachings of the prior art of record. Possible amendments to claim 1 were discussed. In particular, amending claim 1 to recite that the surface area of the film and the surface area of the carton were approximately the same was discussed. Additionally, amending claim 1 to recite that the portion of the film that was scored becomes part of the convenience feature was also discussed. Examiner and the Primary Examiner generally agreed that both proposed amendments would overcome the prior art of record.

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,329,747 to Williams Jr. ("Williams") in view of U.S. Patent No.

3,111,221 to Chapman et al. ("Chapman"). The Office Action asserts that Williams discloses the claimed invention including producing and erecting and filling a carton (10), with convenience features in the form of handle (16), over wrapping the filled carton with shrink wrap, and singly scoring a portion of the film proximate the convenience feature in the form of a cutout, which allows access to the convenience feature. The Office Action then correctly notes that Williams does not disclose the use of a scored convenience feature comprised of multiple cuts. The Office Action then asserts that Chapman teaches that it is old and well known in the art of packaging to provide a scored opening (54) in a film (42), which may be scored before or after the film is applied to the grouped items (11-16), held together by spacer 34 for the purpose of allowing access to the convenience features 52. Based on this, the Office Action concludes that it would have been obvious to one having ordinary skill in the art at the time the Invention was made to have provided the invention of Williams with the scoring means as taught by Chapman for the purpose of allowing access to the convenience features.

Although Applicants respectfully disagree with the assertions of the Office Action, to advance prosecution of the case, independent claims 1 and 13 have been amended to more clearly distinguish the claimed inventions over the cited prior art references. In particular, claim 1 has been amended in accordance with the discussion of the personal interview by specifically reciting that "the entire film registers with a portion of the carton." Williams does not teach or suggest the subject matter in amended independent claim 1. As shown in Fig. 1 of Williams, each package (11) is open along the top of the package (11) such that the film (13) does not register with

a portion of the package (11) as recited in amended independent claim 1, but instead registers with either a void below the film (13) or the top of a container (12). Accordingly, Applicants submit that Williams, either alone or in combination with Chapman, does not teach or suggest the combination of elements recited in amended independent claim 1 and the rejection should be withdrawn.

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Williams in view of Killy and in further view of Littmann. In a manner similar to claim 1, claim 13 has been amended to specifically recite that "the entire film registers with a portion of the carton." For the reasons stated above, Williams, either alone or in combination with Killy and Littmann, does not teach or suggest the combination of elements recited in amended independent claim 13 and the rejection should be withdrawn.

In addition, claim 13 has been amended to specifically recite that the scored portion of the film becomes part of the convenience feature when accessed by the user. Williams taken alone or in combination with the other prior art of record fails to teach or suggest a scored portion of the film becoming part of the convenience feature when accessed by a user. Williams shows an access hole (14) where the scored portion of the film is completely removed to form the hole (14). The Office Action even refers to the access hole (14) as a cutout, essentially acknowledging that Williams does not teach or suggest that the scored portion becomes part of the convenience feature. Accordingly, for this additional reason, Applicants submit that amended independent claim 13 should be allowed.

Moreover, as claims 2-12 and 14-20 depend from allowable independent claims 1 and 13, respectively, and further as each of these claims recites a combination of elements not taught or suggested by the prior art of record, Applicants submit that these claims are allowable as well.

Claim 21 has been added through this amendment. Similar to a portion of the amendment in claim 13, claim 21 recites that the "scored portion of the film becomes part of the convenience feature when accessed by the user." For the reasons stated above for claim 13, Applicants submit that claim 21 is allowable.

CONCLUSION

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

Applicants are of the opinion that an additional fee is due as a result of this amendment. Please charge Deposit Account No. 23-3000 in the amount of \$25 for the excess claim fee. If any additional charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

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